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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/385,405	08/30/99	SCHMIDT	W 671.1.002CIP ^{mk}

WATOV & KIPNES PC
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PRINCETON JUNCTION NJ 08550

IM22/0602

EXAMINER

POPOVICS, R

ART UNIT	PAPER NUMBER
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1723

9

DATE MAILED: 06/02/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

Office Action Summary

Application No.

09/385,405

Applicant(s)

Schmidt

Examiner

Papayevs

Group Art Unit

1723

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 4/14/2000 (Paper No. 8)
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-5, 7-8, 10-27 AND 44-70 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-5, 7-8, 10-27 AND 44-70 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 8
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

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DETAILED ACTION

Election/Restriction

1. Applicant's election of Group I in Paper No. 6 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 112

2. Claims 1-5,7-8,10-27,53-55,64,66 and 69 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1, it is unclear what Applicant intends by the recitation “*sub micro/nicrofiltration.*”

In claim 1, the recitation “*the first liquid*” appears to lack clear positive antecedent basis.

In claims 12-14 and 18-19, the recitation “*the residual oils and particulates*” appears to lack clear positive antecedent basis.

In claims 4,15-17,25,53-55,66 and 69, it is unclear what Applicant intends by the recitation “*short path distillation.*”

In claims 23 and 64, it is unclear what Applicant intends by the recitation “*is selected from polyols.*”

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Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 44-45 and 70 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Schmidt (U.S. Patent No. 5,288,408).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5,7-8,10-27 and 44-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt et al. (U.S. Patent No. 5,288,408) in view of any of Fane et al. or Dutre et al. or Chakravorty et al.

Schmidt et al. disclose a method of gelatin recovery. As illustrated in Fig. 1, waste material is dissolved with a solvent in an agitated tank and separated into an aqueous phase stream and an organic phase stream. The resultant aqueous phase stream is then subjected to heat and hot filtered. A resultant gelatin/glycerine filtrate is then heated and subjected to vacuum

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distillation, recovering gelatin and glycerine. The recovered gelatin and glycerine may then be immediately re-used (col. 2, lines 33-35 & col. 5, lines 5-10).

Claim 1 appears to differ from Schmidt by specifying a step of “treating the solvent based layer with a hot filtering process selected from the group consisting of liquid:liquid centrifugation, sub micro/microfiltration, liquid:liquid coalescers, and absorbents and combinations thereof.” Each of Fane et al. or Dutre et al. or Chakravorty et al. disclose the use of microporous filtration techniques in order to purify gelatin solutions. In view of any of these disclosures, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the process of Schmidt et al. by incorporating a microporous filtration technique to purify a gelatin solution as disclosed, with the use of microporous filtration being an economically more attractive alternative to evaporative techniques as taught by the references. The balance of the claim limitations are submitted to be either expressly disclosed, inherent within a single reference, or obvious over the combined teachings of the references and/or that which is conventionally known in the art. The various temperature/pressure ranges, dilution volume ranges, etc. absent a showing of unexpected results or criticality specifically associated therewith, are considered obvious over the references as applied above. “Short path distillation” and fractional distillation are considered obvious functional equivalents of vacuum distillation which is disclosed by Schmidt. Finally, the rejection of claims 44-45 and 70 is made here in the alternative should Applicant take issue with the Examiner’s allegation of anticipation.

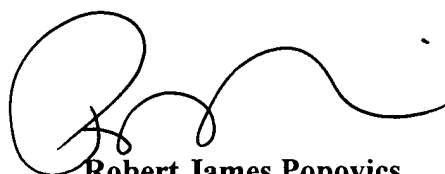
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Conclusion

7. This action is **NOT FINAL**.

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Examiner Robert Popovics whose telephone number is (703) 308-0684, and who can normally be reached at this number from 9:30 A.M. through 6:00 P.M. (EST) M-F.

In the event that Examiner Popovics cannot be reached, Applicant may contact his supervisor, W. L. Walker, Supervisory Patent Examiner, at (703) 308-0457.

A handwritten signature in black ink, appearing to read 'R. Popovics', with a large, stylized initial 'R' and a long, sweeping horizontal line extending to the right.

**Robert James Popovics
Primary Examiner
Art Unit 1723**

ryp
May 21, 2000